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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,633	12/06/2000	Hideo Shimazu	14133	9456
23389	7590	06/26/2006		EXAMINER
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				YIMAM, HARUN M
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/730,633	SHIMAZU, HIDEO	
	Examiner	Art Unit	
	Harun M. Yimam	2623	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,4,5,10,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4,5,10,13 and 14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 06/06/2006 have been fully considered but they are not persuasive.

2. In response to applicant's argument (page 3, 3rd paragraph) that Maeda does not disclose or suggest determining whether or not the received contents should be played back using the time information and place information, applicant should note that the current time acquisition unit and the current place acquisition units are disclosed by Rubin (column 8, line 38 – column 9, line 11, column 11, lines 46-50 and column 17, lines 2-6) and not Maeda. Maeda discloses that the information item (execution program) is determined (whether to play back the broadcasting contents) in each district and includes news, guide, weather, emergency, etc. (the code showing presence or absence of emergency determines whether or not the broadcasting contents will be played back—column 16, lines 46-49).

3. In response to applicant's argument (page 3, 4th paragraph) that Maeda does not disclose or suggest referring to the attribute value of the user attribute storage unit to interpret and execute the execution program, applicant should note that the Maeda discloses that the televised broadcast with ID number, city phone number, and information item that coincide with the stored ID number (attribute value of the user) are placed in RAM 313 (user attribute storage unit—column 16, lines 50-63) and the receiver plays back local news (execution program), event, weather, etc. (the program is then executed after referring to the stored ID number (attribute value of the user) placed in RAM 313 (the user attribute storage unit—column 17, lines 20-40).

4. In response to applicant's argument (page 3, 5th paragraph - page 4, 1st paragraph) that Maeda, Rubin and Thibadeau alone or in combination do not disclose or suggest determining whether or not the received contents should be played back, applicant should note that Maeda discloses that the information item (execution program) is determined (whether to play back the broadcasting contents) in each district and includes news, guide, weather, emergency, etc. (the code showing presence or absence of emergency determines whether or not the broadcasting contents will be played back—column 16, lines 46-49)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (US Patent # 5,914,756) in view of Rubin (US Patent # 6,108,365) in further view of Thibadeau (US Patent # 5,432,542).

Regarding claim 1, Maeda discloses a television broadcasting station 102 broadcasts data to receiving apparatuses 103 (column 16, lines 19-28; figure 11), which meets the limitation on the preamble.

Maeda discloses the television broadcasting station 101 broadcasts television signals and information by relating regional ID number with the corresponding city office phone number (column 16, lines 39-49); the place and contact information reads on attribute and the regional ID number and phone number reads on attribute value, which meets the limitation on broadcasting station comprising means for broadcasting a broadcasting contents program formed from broadcasting a broadcasting contents program formed from broadcasting contents serving as data of contents to be broadcast, a contents attribute having a pair of an attribute and an attribute value of the

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broadcasting contents. Maeda discloses the information item (execution program) is determined (whether to play back) in each district and includes news, guide, weather, emergency, etc. (column 16, lines 46-49), which meets the limitation on an execution program which describes a processing algorithm for determining whether to play back the broadcasting contents in the reception apparatus.

Maeda discloses the data broadcast receiving apparatuses 102 (reception unit) are preliminarily identified with ID numbers (column 16, lines 36-39). Maeda discloses the television signal is received and information is sent to the RAM 313 and both the ID number and corresponding city office phone number coinciding with the preliminarily stored ID number is placed in RAM 313 (column 16, lines 50-64), which meets the limitation on the reception apparatus comprising a reception unit for receiving the broadcast contents program and a user attribute storage unit for storing a pair of an attribute and an attribute value of a user.

Maeda discloses the television signal and information is sent to the RAM 313 and both the ID number and city office phone number coinciding with both the registered ID number is stored in RAM 313 (column 16, lines 50-64) and the television broadcast and information item are played (column 17, lines 20-23); the television broadcast (broadcasting contents) and information item (execution program) are inherently temporarily stored prior to presentation, which meets the limitation on an execution program storage unit, contents attribute storage unit, and broadcasting contents storage unit for respectively reading out and storing contents of the execution program, the

contents attribute, and the broadcasting contents from the broadcasting contents program received by the radio reception unit.

Maeda the television broadcast and information item superposed on the television broadcast are played (column 17, lines 20-23), which meets the limitation on a playback unit for playing back the broadcasting contents.

Maeda discloses the televised broadcast with ID number, city phone number, and information item that coincide with the stored ID number are placed in RAM 313 (column 16, lines 50-63) and the receiver plays back local news (execution program), event, weather, etc. (column 17, lines 20-40), which meets the limitation on an execution program engine for referring to the attribute value of the contents attribute storage unit and the attribute value of the user attribute storage unit to interpret and execute the execution program stored in the execution program storage unit, and when the broadcasting contents are determined to be broadcast, transmitting the broadcasting contents stored in the broadcasting contents storage unit to the playback unit.

Maeda discloses the receiver is preliminarily identified with ID a number corresponding to a city office (column 16, lines 35-39).

Maeda fails to disclose a current time acquisition unit...predetermined time interval and a current place acquisition unit **for detecting** the current place of a user and writing it into storage.

In analogous art, Rubin discloses the set top box 12 receiver 36 includes GPS that enables location data to be received to determine the best satellite information received (column 8, line 38-column 9, line 11; figures 1 & 2), which meets the limitation on a current time acquisition unit...predetermined time interval, a current place acquisition unit **for detecting** the current place of a user and writing it into storage.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maeda to include a current time acquisition unit...predetermined time interval, a current place acquisition unit **for detecting** the current place of a user and writing it into storage, as taught by Rubin, for the benefit of determining the best possible satellite information for the customer site so the user can update their receiver if they move or go on vacation in another location.

Neither Maeda nor Rubin disclose inputting attribute and attribute value information.

In analogous art, Thibadeau discloses the receiver enables the user to enter information for updating the location of the receiver (column 14, lines 42-60), which meets the limitation on an attribute input unit for...user attribute storage unit.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maeda in view of Rubin to include an attribute input unit

for...user attribute storage unit, as taught by Thibadeau, for the benefit of providing the user the capability of updating his/her receiver in cases of a move or a vacation to another location.

Regarding claim 5, the limitations in this claim have been met in claim 1 rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 4, 10, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Maeda (US Patent # 5,914,756).

Regarding claim 4, Maeda has met the limitations in this claim in claim 1 rejection.

Regarding claim 10, Maeda has met the limitations in this claim in claim 1 rejection.

Regarding claim 13, Maeda has met the limitations in this claim in claim 1 rejection.

Regarding claim 14, Maeda has met the limitations in this claim in claim 1 rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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